

Decision 03-10-046 October 16, 2003

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the City of Goleta, CA for an order authorizing the City to: Widen and reconstruct the Los Carneros Road Overhead Structure located in City of Goleta, Santa Barbara County, State of California PUC No. 001E-360.90-A.

Application 03-03-038  
(Filed March 24, 2003)

**O P I N I O N**

**Summary**

City of Goleta (City) requests authority to widen and reconstruct the grade-separated highway-rail crossing of Los Carneros Road over Union Pacific Railroad Company's (UPRR) Coast Route (Mainline E) tracks in the City of Goleta, Santa Barbara County.

**Discussion**

Los Carneros Road is a multiple lane arterial thoroughfare that transverses U.S. Highway 101 Freeway and UPRR's Mainline E tracks in the City. UPRR operates freight trains and the National Railroad Passenger Corporation, commonly known as Amtrak, operates passenger trains on the tracks. UPRR has informed the Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section (RCES) that they intend to remilepost the crossings on this line. The Los Carneros Road is located at current milepost 360.90 and new milepost 357.60, and it is identified by PUC crossing number E-360.90-A and U.S. Department of Transportation number 745582R.

The City was incorporated in February 2002. Prior to this date, the area within the boundaries of the City was an unincorporated part of Santa Barbara County (County). The widening of this crossing is included in the 1998 State Transportation Improvement Program. The County initiated this project, and through the California Transportation Commission is administering it on behalf of the City, and is the City's authorized agent for this project.

The purposes of this project are to replace the existing structurally deficient bridge with a structure that meets the current seismic design criteria, and to provide a dedicated right-turn lane to the southbound on-ramp to the U.S. Highway 101 Freeway to alleviate traffic congestion at this intersection during the peak commute hours. A site map is as shown on plans attached to the application and Appendix A of this order.

The plans included in the application show a temporary vertical clearance of 21-feet 0-inches on top of railroad tracks during construction. These plans do not comply with Commission General Order (GO) 26-D, Section 2.1, which requires a minimum vertical clearance of 22-feet 6-inches above the railroad tracks. This order grants permission to deviate from the requirements of GO 26-D during the construction period to allow temporary vertical clearance of 21-feet 0-inches, with the condition that the railroad organizations operating trains on these tracks consent to the temporarily impaired clearance.

County is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq.

The application includes a copy of the Mitigated Negative Declaration (MND), dated August 22, 2001, which states the following: "An Initial Study

was prepared by the Santa Barbara County Department of Public Works and the Planning and Development Department pursuant to the California Environmental Quality Act. Based on the results of the study, it has been determined that the proposed action will not have a significant impact on the environment, provided the mitigation measures identified in the Initial Study are implemented.” The County Board of Supervisors approved the MND for this project on August 28, 2001. The California Department of Transportation (Caltrans) is the federal lead agency for environmental review under the National Environmental Policy Act of 1969 (NEPA). On September 4, 2001, the project was determined to meet the requirements for “Programmatic Categorical Exclusion” for purposes of NEPA. Copies of the County Board’s meeting minutes and the Determination Form are shown in Appendix B of this Order.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider the environmental consequences of a project subject to its discretionary approval. The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096. RCES reviewed City’s MND and Determination Form. We find that the environmental documents are adequate for our decision-making purposes. Analysis of potential environmental impacts included aesthetics, agriculture, air quality, biology, cultural resources, energy, fire protection, geology, hazardous materials, historic resources, land use, noise, public facilities, recreation, water, and transportation/circulation.

Safety, transportation, and noise are within the scope of the Commission’s permitting process. Within those three areas, the MND identified potential environmental impacts and mitigations only related to transportation/

circulation. In particular, the MND found that the construction activity could cause temporary impacts to local circulation related to detours. To mitigate these potential impacts to less than significant levels, the County adopted mitigation measures including development of a Traffic Management Plan to address detouring at specified locations, including re-timing certain traffic signals, ramp access changes, construction zone signing, and a public information program. We find that the County adopted feasible mitigation measures to either avoid or substantially reduce potential significant environmental impacts to less than significant levels. We adopt these mitigation measures for purposes of our approval.

RCES reviewed the application, examined the need for and the safety of the proposed grade-separated crossing and related railroad construction, and recommends that the requested authority sought by the City be granted.

The application is in compliance with the Commission's filing requirements, including Rule 39 of the Rules of Practice and Procedure, which relates to widening or relocating an existing highway-rail crossing.

In Resolution ALJ 176-3110, dated April 3, 2003, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed, this preliminary determination remains accurate. It is not necessary to disturb the preliminary determinations made in Resolution ALJ 176 -3110.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding

### **Findings of Fact**

1. Notice of the application was published in the Commission Daily Calendar on March 28, 2003. No protests were received. A public hearing is not necessary.
2. City was incorporated in February 2002, and prior to this date, the area within the boundaries of the City was an unincorporated area of the County.
3. The County had initiated this project, and currently is administering it on behalf of the City as its authorized agent.
4. City requests authority, under Public Utilities Code Sections 1201-1205, to widen and reconstruct Los Carneros Road grade-separated highway-rail crossing bridge structure over UPRR's Main Line E track in the City of Goleta, Santa Barbara County.
5. This project will benefit the public by alleviating traffic congestion during the peak commute hours and provide a bridge that meets current seismic design criteria.
6. City requests a temporary vertical clearance above railroad tracks of 21-feet 0-inches, which is less than the 22-feet 6-inches required by GO 26-D.
7. County is the lead agency for this project under CEQA, as amended.
8. County prepared the MND, dated August 22, 2001, and determined that the project will not have a significant impact on the environment with the adoption of mitigation measures.
9. Caltrans is the lead agency under NEPA and on September 4, 2001 granted a "Programmatic Categorical Exclusion" for the project.

10. The Commission is a responsible agency for this project and has reviewed County's MND and Determination Form for this project. We find the environmental documents to be adequate for our decision-making purposes.

11. Safety, transportation, and noise are within the scope of the Commission's permitting process for purposes of environmental review.

12. The MND identified only potentially significant transportation/circulation environmental impacts.

### **Conclusions of Law**

1. The application is uncontested and a public hearing is not necessary.

2. We find that the County adopted feasible mitigation measures to either avoid or substantially reduce the potentially significant transportation/circulation impacts to less than significant levels. We adopt these mitigations for purposes of our approval.

3. The application should be granted as set forth in the following order.

### **O R D E R**

#### **IT IS ORDERED** that:

1. City of Goleta (City) is authorized to widen and reconstruct the Los Carneros Road grade-separated highway-rail crossing, identified as Crossing No. E-360.90-A, over the track of Union Pacific Railroad Company's (UPRR) Coast Route (Mainline E).

2. During the construction period only, City is authorized to deviate from the requirement for 22-feet 6-inches of minimum overhead clearance above railroad tracks, which is stated in Commission General Order (GO) 26-D, and is allowed to have an impaired clearance of no less than 21-feet 0-inches, with the condition

that railroad organizations operating trains on these tracks consent to a temporary impaired clearance of 21-feet 0-inches.

3. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

4. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between City and UPRR (parties). City shall file a copy of the agreement, together with plans of the project approved by UPRR, with the Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section (RCES) prior to construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

5. Within 30 days after completion of the work under this order, City shall notify the RCES in writing, by submitting a completed Commission Standard Form G (Report of Changes at Highway Grade Crossings and Separations), that the authorized work was completed.

6. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

7. The application is granted as set forth above.

8. Application 03-03-038 is closed.

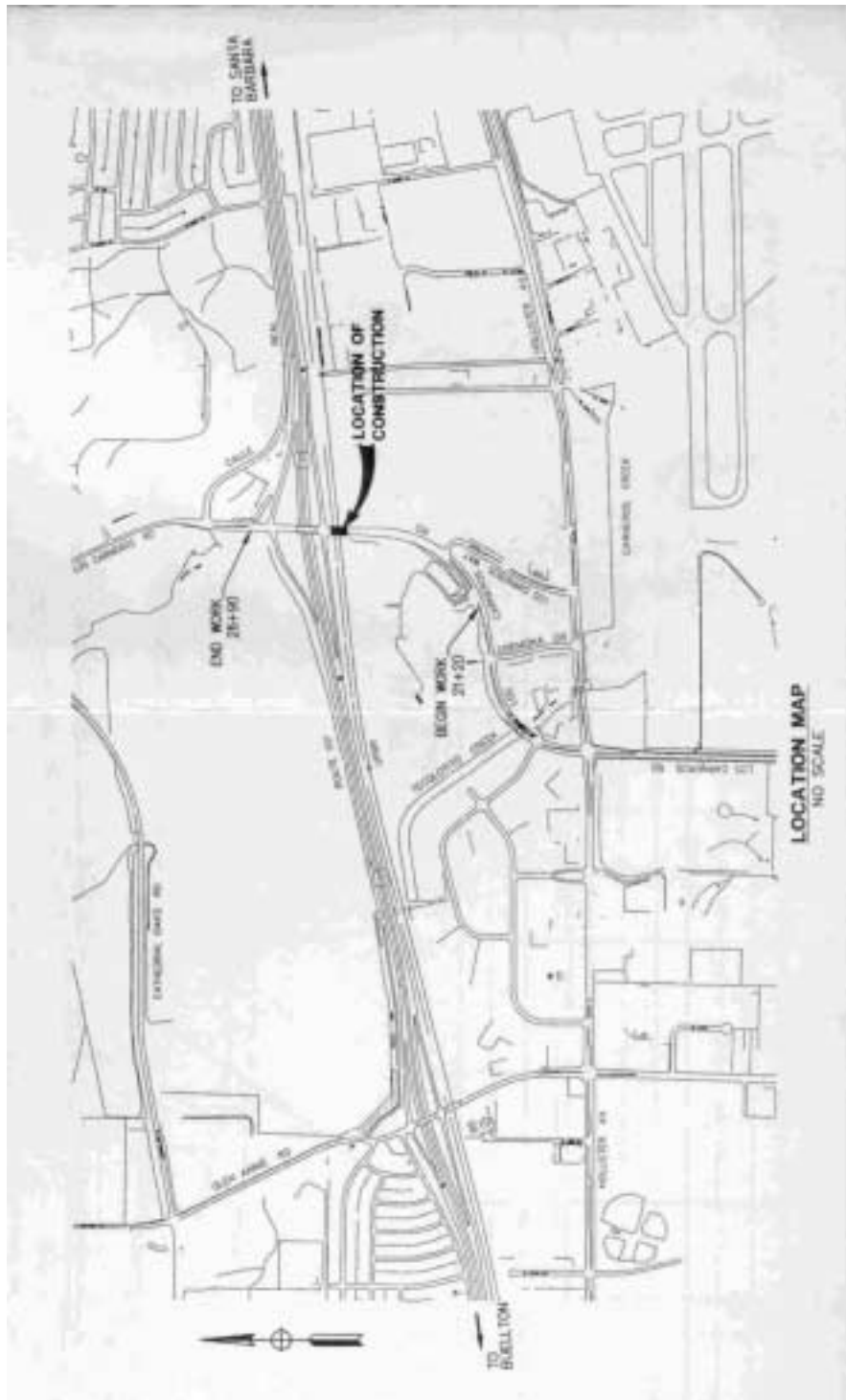
This order becomes effective 30 days from today.

Dated October 16, 2003, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
CARL W. WOOD  
LORETTA M. LYNCH  
GEOFFREY F. BROWN  
SUSAN P. KENNEDY  
Commissioners



Vicinity Map



## Environmental Documents

**CATEGORICAL EXEMPTION  
CATEGORICAL EXCLUSION/PROGRAMMATIC CATEGORICAL EXCLUSION  
DETERMINATION FORM**

03-88-0-CR  
Dist./Co./Rte. (or Local Agency)

K.P./K.P./P.M./P.M./L.A. (State project)

03-88-0-CR  
Proj. No. (Local project)  
(Fed. Proj. Prefix)  
Proj. No., Agr. No.)

**PROJECT DESCRIPTION:** (Briefly describe project, purpose, location, limits, right-of-way requirements, and activities expected.)

The proposed project will replace the existing structurally deficient Los Cerritos Overhead structure with a new structure that meets current seismic design criteria. The new bridge will also provide a dedicated right-turn lane to the existing southbound Highway 107 on-ramp to relieve traffic congestion.

**CEQA COMPLIANCE** (for State Projects only)

Based on an examination of this proposal, supporting information, and the following statements (See 14 CCR 16300 et seq.):

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

**CALTRANS CEQA DETERMINATION**

☐ Exempt by Statute (PRC 21080)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

☐ Categorically Exempt, Class \_\_\_\_\_ or General Rule exemption (This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment [CCR 15061(b)(3)])

Signature: Environmental Office Chief \_\_\_\_\_ Date \_\_\_\_\_ Signature: Project Manager \_\_\_\_\_ Date \_\_\_\_\_

**NEPA COMPLIANCE** (23 CFR 771.117)

Based on an examination of this proposal, supporting information, and the following statements:

- This project does not have a significant impact on the environment as defined by the NEPA.
- This project does not involve substantial controversy or environmental grounds.
- This project does not involve significant impacts on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act.
- In non-attainment or maintenance areas for Federal air quality standards: this project comes from a currently conforming plan and Transportation Improvement Program or is exempt from regional conformity.
- This project is consistent with all Federal, State, & local laws, requirements or administrative determinations relating to the environmental aspects of this action.

**CALTRANS NEPA DETERMINATION**

Based on an examination of this proposal, supporting information, and the statements above under "NEPA Compliance", it is determined that the project is a:

☒ **PROGRAMMATIC CATEGORICAL EXCLUSION (PCE):** Based on the evaluation of this project and supporting documentation in the project files, all the conditions of the September 7, 1980 Programmatic Categorical Exclusion have been met.

☐ **CATEGORICAL EXCLUSION (CE):** For actions that do not individually or cumulatively have a significant environmental effect and are excluded from the requirement to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS). Requires FHWA determination.

Signature: Environmental Office Chief *Carly K. [Signature]* Date *9/4/01* Signature: Project Manager/DIA Engineer *Joseph T. [Signature]* Date *9/4/01*

**FHWA DETERMINATION**

Based on the evaluation of this project and the statements above, it is determined that the project meets the criteria of and is properly classified as a Categorical Exclusion (CE).

Signature: FHWA Transportation Engineer \_\_\_\_\_ Date \_\_\_\_\_

Additional information attached or referenced, as appropriate (e.g. Mitigation commitments for NEPA only; Air Quality studies or documentation of exemption from regional conformity or use of CD Protocol; §105 commitments; §4(f) or Programmatic §4(f); date of CCE nationwide permit; § 7 species survey results; Wetlands Finding; Floodplain Finding; additional studies; design conditions. Rev. 4/2001)

## Environmental Documents

BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA  
STATE OF CALIFORNIA  
CLERK OF THE BOARD OF SUPERVISORS

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## MINUTE ORDER

August 28, 2001, in the a.m.

Present: Supervisors Naomi Schwartz, Susan Rose, Gail Marshall,  
Joni Gray, and Thomas Urbanaka

Michael F. Brown, Clerk (Allen)

Supervisor Gray in the Chair

RE: PUBLIC WORKS HEARING - Consider recommendations regarding the replacement of the Los Cerreros Road Bridge over the Union Pacific Railroad at Highway 101, Third District, as follows: (FROM AUGUST 7, 2001) (EST. TIME: 10 MIN.) (01-21,988)

- a) Approve the final Mitigated Negative Declaration pursuant to the County's California Environmental Quality Act guidelines as adequate review for the project;
- b) Adopt the mitigation monitoring program included in the Mitigated Negative Declaration as conditions of project approval;
- c) Authorize the County Public Works Department to proceed with negotiations for temporary rights-of-entry with adjacent property owners.

## COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

Marshall/Schwartz

a) Approved.

b) Adopted.

c) Authorized.

This is a true and correct copy of the original document on file or as moved to my office. It bears the seal and signature, handwritten propable ink, of the Clerk of the Board of Supervisors.

\_\_\_\_\_  
Clerk of the Board, Santa Barbara County, California

by Deputy: Robert Cook

08/28/01